

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 06-1818 and 06-2604

PUBLIC CITIZEN HEALTH RESEARCH GROUP;
THE UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION,
Petitioners in No. 06-1818

v.

UNITED STATES DEPARTMENT OF LABOR,
OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION,
Respondent

Aerospace Industries Association of America, Inc.,
Portland Cement Association**,
Surface Finishing Industry Council*,
Color Pigments Manufacturers Association, Inc.,
National Association of Manufacturers
and Specialty Industry of North America,
Intervenors

*(*Dismissed - See Court's Order dated 12/13/06)*

*(**Dismissed - See Court's Order dated 06/26/07)*

EDISON ELECTRIC INSTITUTE,
Petitioner in No. 06-2604

v.

OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,
Respondent

Aerospace Industries Association of America, Inc.,
Portland Cement Association**,
Surface Finishing Industry Council*,
Color Pigments Manufacturers Association, Inc.,
National Association of Manufacturers
and Specialty Industry of North America,
Intervenors

*(*Dismissed - See Court's Order dated 12/13/06)*

*(**Dismissed - See Court's Order dated 06/26/07)*

Appeals from the United States Department of Labor
Occupational Safety & Health Administration
(Agency No. OSHA-1: H054A)

Argued November 21, 2008

Before: SCIRICA, Chief Judge,
RENDELL, Circuit Judge,
and O'CONNOR, Retired Associate Justice,
U.S. Supreme Court*

ORDER AMENDING OPINION

RENDELL, Circuit Judge.

It is hereby ORDERED that the Precedential Opinion filed in the within matter on February 23, 2009, is AMENDED as follows:

* Honorable Sandra Day O'Connor, retired Associate Justice of the United States Supreme Court, sitting by designation.

On page 41, at the end of the first partial paragraph, insert the following sentence:

In its brief, OSHA concedes that the number for aerospace painting in the final rule included certain unaffected operations, and that the correct number is approximately 4,000 workers.

On page 41, in the second full paragraph, delete the following sentence:

HRG offers no explanation to justify its lower figure for aerospace painters, and does not explain why it did not include workers engaged in enclosed space welding.

BY THE COURT:

/s/ Marjorie O. Rendell

Circuit Judge

Dated: May 15, 2009